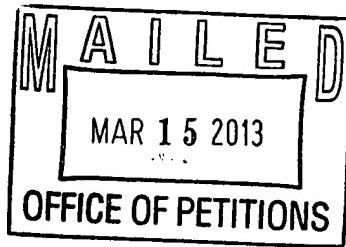




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JOEY ROTHMAN
5505 24TH ST.
GREELEY, CO 80634



In re Patent No. 6,311,330
Issue Date: November 6, 2001
Application No. 09/690,244
Filed: April 12, 2001
Attorney Docket No. 4379-4

: : : : ON PETITION

This is a decision on the Petition for Reconsideration filed February 11, 2013, under 37 CFR 1.378(e), to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED as time barred**.

35 USC 41(c)(1) states that:

"The Commissioner may accept the payment of any maintenance fee required by subsection (b) of this section which is made within twenty-four months after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unintentional, or at any time after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unavoidable."

This patent expired on November 6, 2009, for failure to pay the seven and one-half year maintenance fee. Since the petition under 37 CFR 1.378(c), was not submitted within twenty-four months after the six-month grace period provided by 37 CFR 1.362(e), the petition was not timely filed under the provisions of 37 CFR 1.378(c).

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. This is **not** a final agency action within the meaning of 5 U.S.C. § 704. Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).

If this petition is not renewed or if renewed and not granted, then petitioner may request a refund of the maintenance and surcharge fees paid. The fee for requesting reconsideration is not refundable.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions